REMARKS

Claims 1-28 were examined in the Office Action mailed October 8, 2008. The following rejections are currently pending:

- Rejection of claims 1-9 under 35 U.S.C. § 102(e) as anticipated by International Patent Publication No. WO 2004/026649 ("Simmons").
- Rejection of claims 10-15 under 35 U.S.C. § 103(a) as unpatentable over Simmons in view of U.S. Patent Publication No. 2002/0166740 ("Zhang").
- Rejection of claims 16-21 under § 103(a) as unpatentable over Simmons in view of U.S. Patent No. 4,583,609 to Anderson, *et al.* ("Anderson").
- Rejection of claims 23-28 under § 103(a) as unpatentable over Simmons and Anderson, in further view Zhang.

The Applicant has amended independent claims 1 and 16 to further recite the arrangements of the claimed brake disc, in particular the non-motorcycle-like location of the wheel rim outside of the brake disc's hub portion (*e.g.*, as with a wheel bolted to the end of a commercial vehicle axle). As amended, claims 1 and 16 now recite that the connecting flange portion has a length "such that when the hub portion and a wheel rim adapted to be mounted on a hub end of a vehicle axle are concentrically located at the hub end of the axle the friction portion is outboard of the wheel rim, the friction portion is positioned axially closer to a longitudinal center of the axle than the wheel rim and the hub portion."

In addition, where claim 1 previously recited that "the friction portion is outboard of the wheel rim," this phrase has been amended to read "the friction portion is outside of the wheel rim" in order to avoid the potential for confusion as to what is meant by "outboard" in this context.

1. **The Claims Are Patentable Over The Simmons Reference.** The Applicant respectfully traverses the rejections based on Simmons, on the ground this reference does not disclose or suggest all of the features of the present invention recited in the independent claims. As noted in the previous response, the Simmons reference discloses motorcycle brake arrangement in which the friction portion of the brake (Fig. 5, element 18) is driven by a gear assembly (elements 24-28) in a direction opposite of the wheel's rotation, and the friction portion is made heavy enough to counter at least a portion of the gyroscopic stability of the wheel to make the motorcycle easier to turn. Simmons at 6:1-9; Abstract.

At page 6 of the December 9, 2008 Office Action, the Examiner identifies as the hub portion of the motorcycle brake disc, a portion of Simmons' "integral brake disc carrier 20" (Simmons at 6:1-2) which is shown in Simmons Fig. 5 as being closer to the longitudinal center of the motorcycle's front axle than the portion identified by the Examiner as the friction portion. This is the opposite of the arrangement recited in claims 1 and 16; as amended, the claims require the hub portion of the brake disc to be outboard of the friction portion ("the friction portion is positioned axially closer to a longitudinal center of the axle than ... the hub portion").

In addition, the wheel rim identified by the Examiner in the figure on page 7 of the December 9, 2008 Office Action is closer to the longitudinal center of the motorcycle's front axle than the friction portion (Simmons' motorcycle wheel rim is

centered on the axle, and thus the friction portion cannot be closer to the center of the axle than the wheel rim). This is also the opposite of the arrangement recited in claims 1 and 16, which require that the friction portion be inboard of the wheel rim ("the friction portion is positioned axially closer to a longitudinal center of the axle than the wheel rim"; *e.g.*, as in a commercial vehicle arrangement, where the brake disc is captured between the axle hub and a wheel bolted to the axle hub).

Because Simmons fails to disclose or suggest the arrangements recited in amended independent claims 1 and 16 (and indeed, teaches exactly the opposite of the presently claimed arrangements), this reference does not anticipate or render unpatentable claims 1-28 under § 102(e) or § 103(a).[1] Accordingly, reconsideration and withdrawal of the rejections based on the Simmons reference is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant submits that claims 1-28 are in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

[1] The Zhang and Anderson references, cited for teaching use of cooling fins and a brake caliper arrangement, respectively, do not cure Simmon's deficiencies.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52877US).

Respectfully submitted,

January 13, 2009

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